IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLAE SIDE

Writ Petition No.3978 of 2007

1. M/s Tarique Brothers and another ..Petitioners

vs.

Rasbihari Enterprises Ltd. ...Respondent

Shri Sagar Kasar for petitioners.

CORAM: S.C.DHARMADHIKARI J.
4th **July, 2007**

P.C.

1. Heard Shri Kasar appearing for the petitioners. Perused the impugned order restoring the suit to the file of the Trial Court.

2. The only grievance made by the petitioners is that they are carrying on business at Surajpur in Surguja Distrit, Madhya Pradesh and the suit is filed at Nashik. In such circumstances and when the suit is of the year 1991, so also the same being restored in the year 2006, once again the petitioners would be required to attend the Trial Court and they are gravely prejudiced by being regularly summoned before the Court. More so, when the respondent/plaintiff has been remaining absent.

3. The petition is dismissed as no error apparent or

perversity is pointed out in the impugned order. However, it would be desirable and in the interest of justice that the hearing of the Special Civil Suit No.400 of 1990 on the file of the Civil Judge, Sr.Dn., Nashik is expedited. The learned Judge to endeavour and dispose of the suit on or before 31st January, 2008. Needless to state that if the resondent/original plaintiff does not remain present the learned Judge would be at liberty to proceed exparte.

(S.C.DHARMADHIKARI J.)